

SENATOR SIMON: Mr. President, members of the Legislature. I had offered an amendment which the body had adopted several weeks ago which called for a minimum sentence of 30 years and a maximum of 90 for each count with no provisions for parole. As you will recall that amendment was adopted by a rather substantial margin of this body. Subsequently after that original motion was passed and after it was passed Senator DeCamp raised the point that the amendment wouldn't do exactly what I wanted it to do. It would not take care of the good time provisions and it would not take care of a person being able to be discharged after 15 years and five months for a thirty year sentence or to be eligible for parole after twenty years. Since that time I have written two or three letters to the Attorney General and have received different comments and I had offered one amendment which did not quite do exactly what I wanted it to do, so I withdrew that one. However this amendment does do exactly what I want it to do. I would refer you to the Attorney General's opinion 74 which is found in the Journal on page 1432. Page 1432 of the Journal which is the Attorney General's opinion 74 which deals with this amendment. Now the only thing that this amendment does which is different than the last one is that it excludes good time provision section when applicable for the minimum sentence of thirty years. In other words there would be no way, and if Senator DeCamp were here, I don't see him, I would certainly echo this to Senator DeCamp or anyone else that has any concerns, this amendment will guarantee that a person has to serve a minimum sentence of 30 years, that they can not be eligible for discharge by the good time provisions, that they can not be eligible for parole under the good time provisions until they serve at least 30 years. Now the only exception would be, and I want to be fair and honest and have this above board so that there is no misconceptions about this, this of course does not exclude the Board of Pardons from deeming whatever that they want to get involved in this. We have discussed this before and the only reason that it can't be changed is because it is in the Constitution. But again let me point out to members of this body that it is the history of the Board of Pardons who three members whom are elected, that they have not commuted sentences to below thirty years. I don't see any problem with that. Again this amendment would very clearly state that no person who is convicted of first degree murder and sentenced would be eligible for parole in less than thirty years, could be discharged in less than thirty years and that the good time provisions which we have discussed before would only be applied to after that thirty year sentence was completed, to after that first thirty years was taken. So good time would be eligible, a person could have good time, they could have the discharge applied to their sentence after they served thirty years. But not before. I think that this amendment Senator DeCamp would take care of the concerns that you have and it would see that anyone convicted of first degree murder could not get out in less than thirty years and therefore I would move for the adoption of this amendment.

PRESIDENT: Senator Chambers.

SENATOR CHAMBERS: Members of the Legislature. I hope that you will listen. There are some of you who have supported this bill and had stated that the only reason you would not vote for its advancement the first time around was because of the doubt cast in your mind by Senator DeCamp's comments relative to the reduction of the thirty year sentence to a period less than that. I am as reluctant now as I was then to accept thirty years in lieu of the death sentence. But, what I am looking at is the state being in